

Notice of Allowability

Application No.

10/647,215

Applicant(s)

HADA ET AL.

Examiner

Art Unit

Kaj K. Olsen

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 4-9-2007.
2. ☒ The allowed claim(s) is/are 1-17 and 23-27.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>5-23-2007</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: These claims remain allowable for the reasons set forth in the previous office action. The applicant provided a translation of the Japanese search report that indicates that the Japanese Patent Office was of the opinion that JP-2003-518620 (equivalent to USP 6,767,449 to Cramer et al) read on claim 1 of the instant invention (presuming that the claim 1 of the Japanese application is equivalent to claim 1 of this US application). The examiner is of the opinion that Cramer does not read on nor render obvious claim 1 of the instant invention. In particular, Cramer is drawn to the use of a series of compensation factors K1-K6 to correct the voltages applied to the various electrodes of the sensor. This compensation is not an averaging function as claimed because there is nothing in Cramer that would indicate that these compensation would average any sensor signal over for a given averaging time range. Moreover, the various compensation factors are all related to the coupled electrodes themselves and do not involve the heater. See fig. 1 where the RE and RL relate only the electrodes to each other and fig. 4 where the factors K1-K6 only relate the electrodes back to each other. There are no compensation factors for the heater itself, whereas claim 1 of the instant invention claims has the averaging cancel noise related to power being supplied to the heater. Cramer indicates in col. 1, ll. 15-23 indicates that the various electrodes of its sensor are connected to each other because of the finite resistance of the heater. That being said, Cramer still does not have any compensation factor relating anything about power being supplied to the heater and would not be able to average sensor signal arising from noise related to the changing of the power supplied to the heater. Hence, Claim 1 is not anticipated nor rendered obvious by the teaching of Cramer.

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2. The foreign search report also lists claim 13 of the Japanese application as being unpatentable over Cramer as well. However, a review of the foreign priority document indicates that claim 13 of the Japanese application (a dependent claim) is not equivalent to independent claim 13 of the instant invention.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaj Olsen whose telephone number is (571) 272-1344. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen, can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AU 1753
June 8, 2007



KAJ K. OLSEN
PRIMARY EXAMINER